



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,305	12/04/2003	Odd N. Oddsen JR.	INNOFF 3.0-028	9598
530	7590	09/20/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			MARSH, STEVEN M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,305

Applicant(s)

ODDSEN ET AL.

Examiner

Steven M. Marsh

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-10 and 14-38 is/are rejected.
7) ☒ Claim(s) 11-13 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 10 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is the second office action for U.S. Application 10/728,305 for a Universal Wall Mounting Bracket filed by Odd N. Oddsen Jr. on December 4, 2003.

Allowable Subject Matter

Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

Claims 1-10 and 14-28 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0056541 A1 to Kokubunji et al. Kokubunji et al. discloses a mounting assembly adapted to engage a slat wall with a main body (210 and first and second arms 220) and a mount (211 or 212) attached to the main body and adapted to receive a mounting device. There is a first clip assembly attached to the main body and remote from the mount, the first clip assembly engageable with a slat wall and including an upper clip (300 at the top left) and a lower clip (300 at the lower left). There is a second clip assembly attached to the main body and remote from the mount, the second clip assembly engageable with a slat wall and including an upper clip (300 at the top right) and a lower clip (300 at the lower right). The second clip assembly is spaced apart from the first clip assembly and the clips include a J-shaped clip and have a zig-zag shape (at 350). The clips of the first and second clip assemblies are fixedly secured to the

Art Unit: 3632

main body, but the lower clips can be adjusted independently by removing the bolts (330) that can be accessed at access points (the top of the main body. The clip assemblies have an adjustment means (330 and holes 331, 122D, and 222D) and the adjustment means includes a threaded bolt (330) that is received into chambers of the main body (the holes 122D and 222D). The central portion and arms combine to form a channel therebetween (the recess between arms 220 due to the width of 210) with the clips of the arms angled away from the mount, and a cable could be inserted through the channel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokubunji et al. in view of U.S. Patent 4,386,500 to Sigafoose. Kokubunji et al. discloses the components claimed, but does not disclose the components of the mounting structure in a kit. Sigafoose discloses providing a kit with components for conversion and installation of a heat exchanger. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided the components of Kokubunji et al., in a kit as taught by Sigafoose, for the purpose of simplifying conversion and installation of the system.

Response to Arguments

Applicant's arguments filed June 27, 2005 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the slat wall and its relation to various components or an electrical cable) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant argues that Kokubunji does not mention that the mounting structure is capable of engaging a slat wall. However, the slat wall and its structure is not claimed and the mounting structure of Kokubunji is indeed capable of engaging a slat wall as discussed above. Applicant argues that there is no support for the assertion that a cable could be inserted through the channel between the portions of part 220. However, Applicant has not claimed the cable or any dimensions for the cable, but rather that the channel dimensioned such that a cable is insertable through the channel. Applicant also argues that part 220 is not the arms claimed by claims 14 and 27. However, the arms claimed by Applicant, appear to be nothing more than outer portions of the mounting assembly like parts 220 of Kokubunjui.

In response to applicant's argument that Sigafoose and Kokubunjui are not in Applicant's field of endeavor, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in

Art Unit: 3632

order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to provide components in a kit for the purpose of simplifying conversion and installation of the system.

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


Art Unit: 3632

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Steven M. Marsh

September 15, 2005


RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT ~~355~~ 3632